

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY C. H. AMOUNT OF FEE \$2,088.73

RECEIPT # I 200620641

DATE HEARD: 09 / 06 / 06

BY CZAB # 14

RECEIVED
06-003
SEP 14 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY C. H.

DATE RECEIVED STAMP

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 06-03

Filed in the name of (Applicant) Eureka Cove, LLC

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property:

SW 176 Street and lying approximately 112' West of SW 114 Avenue
Application, or part of Application being Appealed (Explanation):

Denial of District Boundary change from AU to RU-TH

Appellant (name): Eureka Cove, LLC
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

The Application is consistent with the Miami-Dade County Comprehensive
Development Master Plan and compatible with the surrounding area and the
Board did not base its decision on substantial competent evidence.

APPELLANT MUST SIGN THIS PAGE

Date: 13 day of September, year: 2006

Signed _____

Albert Vivas as Manager for Eureka Cove, LLC
Print Name

8574 NW 70 Street
Miami, FL 33166

Mailing Address

786-845-9292
Phone

786-845-9242
Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

Eureka Cove, LLC

Representing

Albert Vivas

Signature

Felix M. Lasarte, Esq.

Print Name

Holland & Knight, LLP
701 Brickell Avenue, Suite 3000

Address

Miami
City

FL 33131
State Zip

305-789-7580

Telephone Number

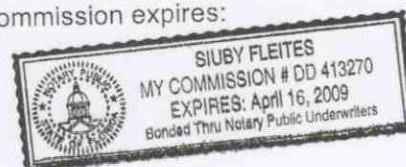
Subscribed and Sworn to before me on the 13th day of September, year 2006

Siuby Fleites

Notary Public

(stamp/seal)

Commission expires:



APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared Albert Vivas
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community
Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☐ 1. Participation at the hearing
☒ 2. Original Applicant
☐ 3. Written objections, waivers or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

F. Williams
Signature

Tia Williams
Print Name

Siuby Fleites
Signature

SIUBY FLEITES
Print Name

Felix M. Lasarte
Appellant's signature
Felix M. Lasarte, Esq. as Attorney for
Albert Vivas and Eureka Cove, LLC
Print Name

Sworn to and subscribed before me on the 13th day of September, year 2006.

Appellant is personally know to me or has produced _____ as
identification.

Siuby Fleites
Notary
(Stamp/Seal)

Commission Expires:



DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: EUREKA COVE, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>ALBERT VIVAS</u>	<u>33.34%</u>
<u>EDUARDO J. GUTIERREZ</u>	<u>33.33%</u>
<u>KLEVER D. ROSALES</u>	<u>33.33%</u>

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: N/A

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<u></u>	<u></u>
<u></u>	<u></u>

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: N/A

NAME AND ADDRESS (if applicable)	Percentage of Interest
----------------------------------	------------------------

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: [Signature]
EUREKA COVE, LLC, Applicant (ALBERT VIVAS, as Manager)

Sworn to and subscribed before me this 17th day of January, 2006. Affiant is personally known to me or has produced _____ as identification.

[Signature]
(Notary Public)



My commission expires _____

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

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EXHIBIT "A"

LEGAL DESCRIPTION

A portion of the Southwest 1/4 of Section 31, Township 55 South, Range 40 East, being bounded on the West by the Easterly Right-of-Way line of the Homestead Extension of Florida's Turnpike (State Road #821), as shown on the Florida Department of Transportation, Right-of-Way Map, Section 87005-23-6, Sheet 11 of 25, dated May 1970, and bounded on the East by the West line of the East 1/2 of the Southwest 1/4 of said Section 31, also being the Westerly boundary line of "Torrent Subdivision", according to the Plat thereof as recorded in Plat Book 147, at Page 77 of the Public Records of Miami-Dade County, Florida and bounded on the North by the South line of the North 35.0 feet of the Southwest 1/4 of said Section 31, all lying and being in the Southwest 1/4 of Section 31, Township 55 South, Range 40 East, Miami-Dade County, Florida.